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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,275	02/09/2004	Franz Sieberer	2004-0129A	8571

513 7590 01/10/2006

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WASHINGTON, DC 20006-1021

EXAMINER

GARCIA, ERNESTO

ART UNIT PAPER NUMBER

3679

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/773.275	<b>Applicant(s)</b> SIEBERER, FRANZ	
	<b>Examiner</b> Ernesto Garcia	<b>Art Unit</b> 3679	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 12/23/05 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

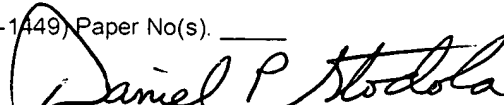
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: 8.  
 Claim(s) rejected: 1-7 and 9.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
 13. ☒ Other: See Continuation Sheet.



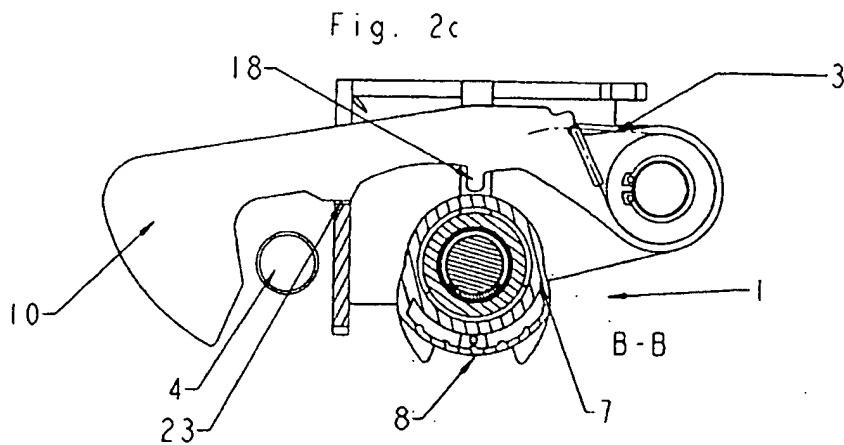
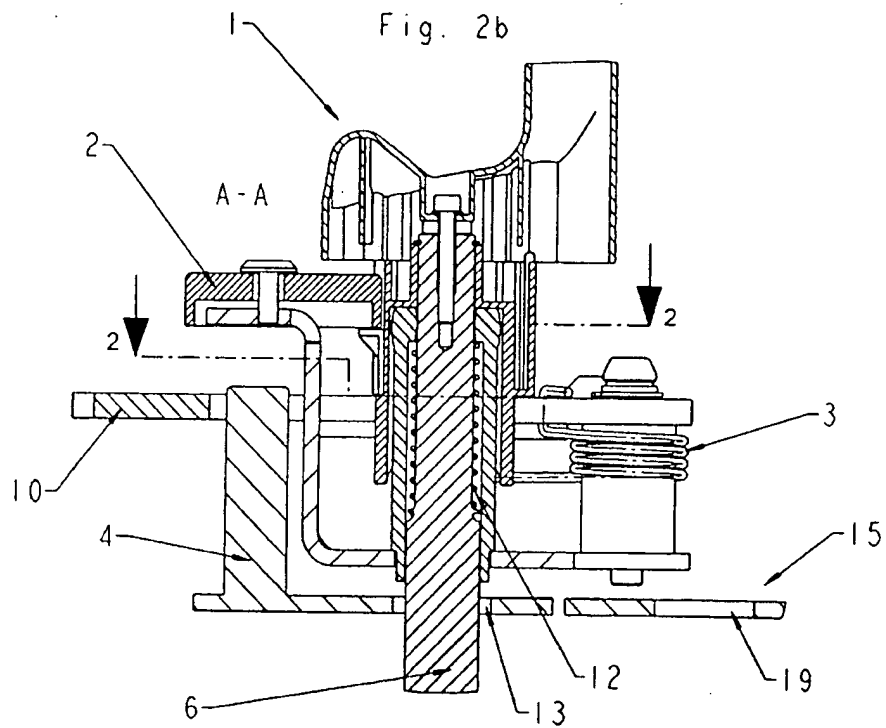
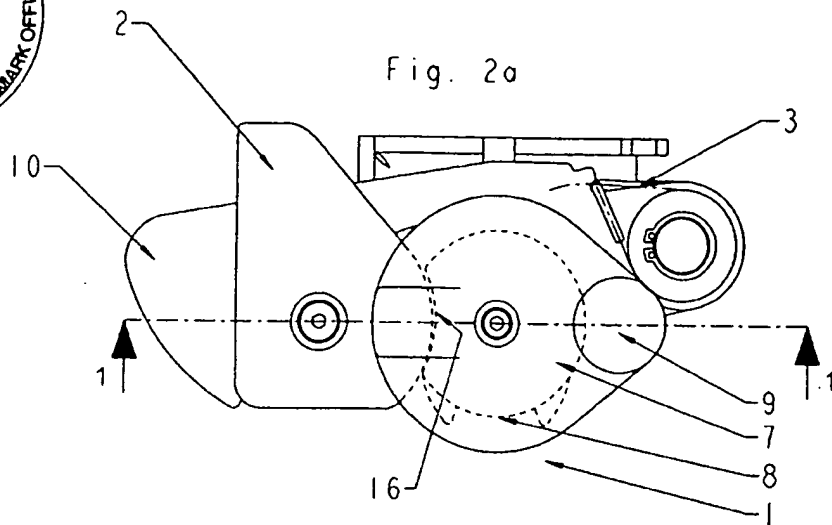
**DANIEL P. STODOLA**  
**SUPERVISORY PATENT EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because: applicants have argued that the functional limitations in claim 1 add structural limitations without identifying what structure corresponds to the functional limitations. Applicants argued that the locking device and the securing hook must be constructed and structurally arranged such that these components perform the functional limitations recited. In response, the limitation "constructed and structurally arranged" does not add any structure since construction and arrangement does not add any more structure than what is present. The mere fact that the locking device and the securing hook is present in the reference EP-694460 is an indication that it has been constructed. Further, the mere fact that the locking device and the securing hook are next to each is evidence that these two components are structurally arranged next to each other. Given these components, their cooperation inherently allows operation to act on a side extension of a vehicle. Applicants further argued that '460 reference teach the beam is not locked in the locked position. In response, this argument is irrelevant as the claims do not positively call for a beam and any argument made reference to the beam does not add weight when such is not claimed. Applicants further argued that the release of the hook does not leads to a release of the hook from an anchorage position, but instead moves the hook to an anchorage position. This argument is not persuasive. Applicants have not clearly analyzed the actions between Figure 3c and Figure 3b. The figures clearly teach the release of the locking device 11 releases the hook from an anchorage position otherwise the hook would not move to the position shown in Figure 3a. It is clear that Figure 3a shows the hook 10 in a release position as compared to a non-released position shown in Figure 3c. Again, any reference to the beam is irrelevant as no beam is claimed. In respect to claim 6, the examiner has taken its broadest reasonable interpretation of "independent of a direction of rotation of the locking device". Applicants should note that rotating the locking device does not dependently move the hook in the same fashion gears move. In respect to claim 8, the argument is persuasive. The spring 8 does not urge the detent member 11 to a locking position, but rather urges the claw 4 to a locked position. Therefore, the examiner is withdrawing the rejection and objecting the claim as being dependent upon a rejected base claim. In respect to Murphy, the same responses to claim 1 above apply. Further, applicants argued that Murphy does not disclose the release of the cam arrangement 15 leads to a release of the locking member. In response, applicants should note that the examiner has given the broadest reasonable interpretation. It is clear that releasing the locking device 15 leads to a release of the locking member (see Figure 4).

Continuation of 13. Other: The drawings filed on 12/23/05 are not acceptable. Figures 8b and 11b show the spring 12 embedded in the pin 6. The use of solid black lines to show cross hatching in Figure 11c is not permitted. The ends of the broken lines in Figures 2a, 2b, 3a, 3b, 4b, 6a, 6b, 7a, 7b, 8a, 8b, 9a, 9b, 10a, 10b, 11a, and 11b should be designated by Arabic or Roman numerals corresponding to the view number of the sectional view. See 37 CFR 1.84(h)(3) and MPEP 608.02(e). Note that the broken line in Figure 2a should be 2b and not 1 as there is no Figure 1 showing view number 1-1. Further, the legend A-A, B-B, etc. in the views should be deleted. Further, what is going on with the pin 4 in Figures 3b and 3c? Is the pin bisecting the hook 10?



"REPLACEMENT SHEET"



not  
accepted  
El. 1/3/06

Fig. 3a

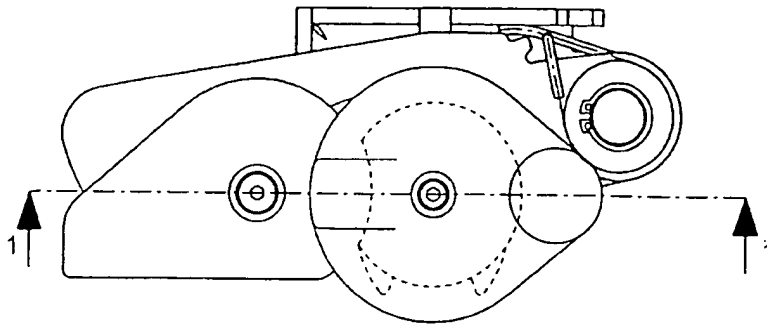


Fig. 3b

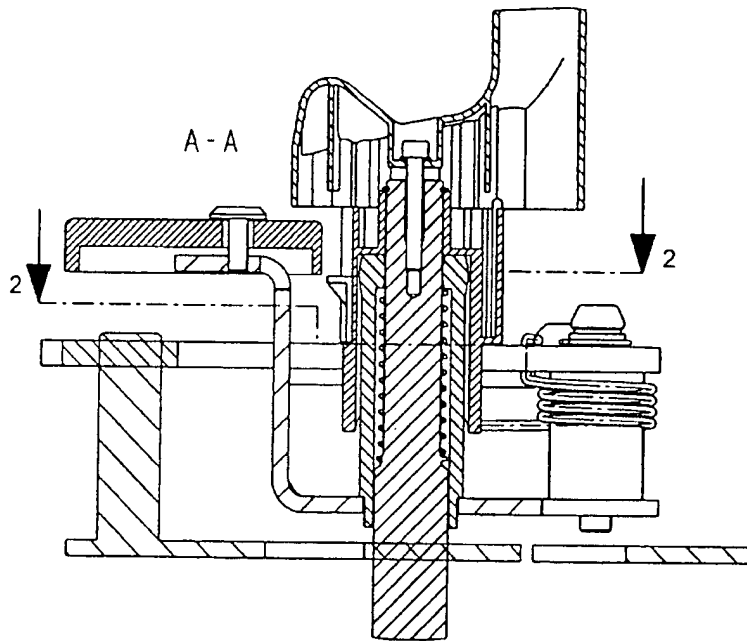
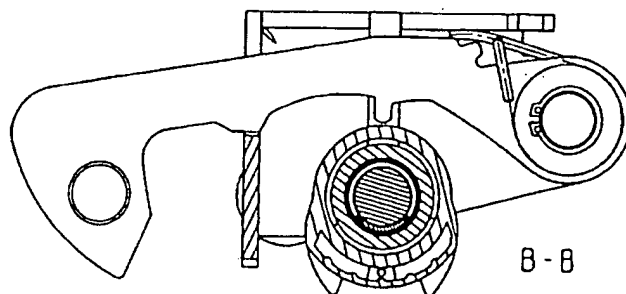


Fig. 3c



B-B

SCHNITT B-B

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el. 1/3/06

Fig. 4a

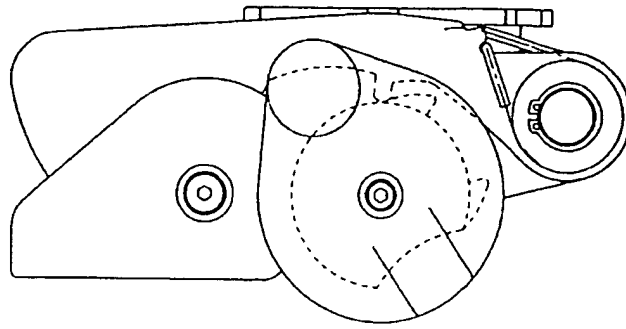


Fig. 4b

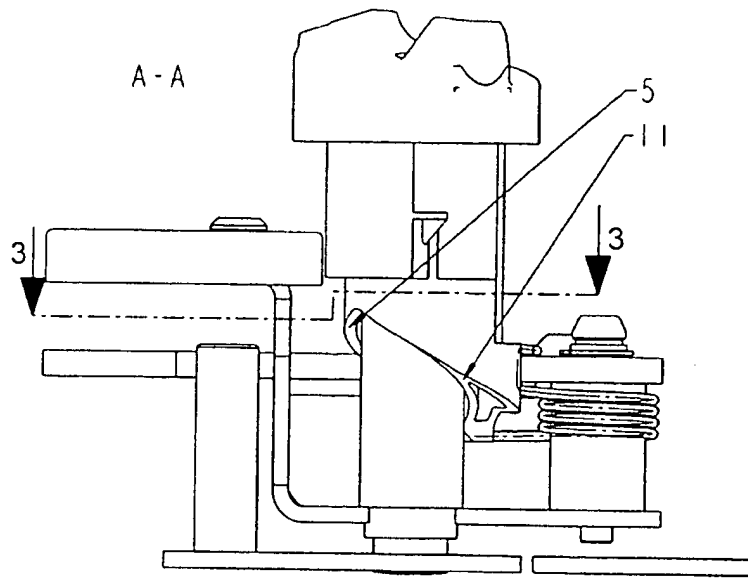
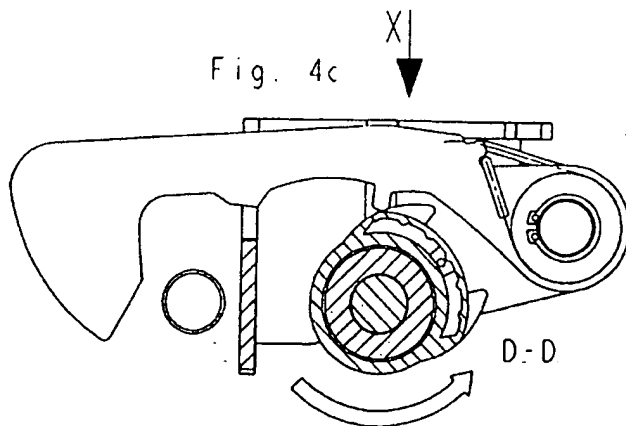


Fig. 4c



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ex. 1/3/06

Fig. 6a

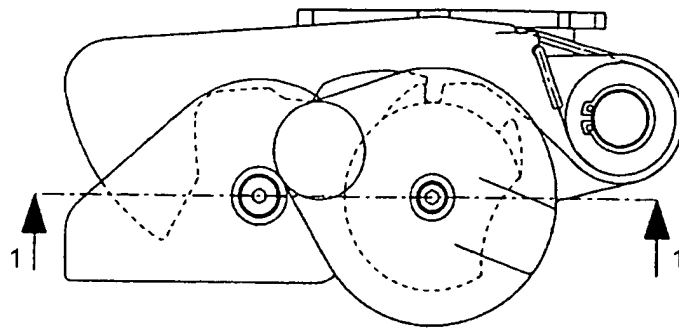


Fig. 6b

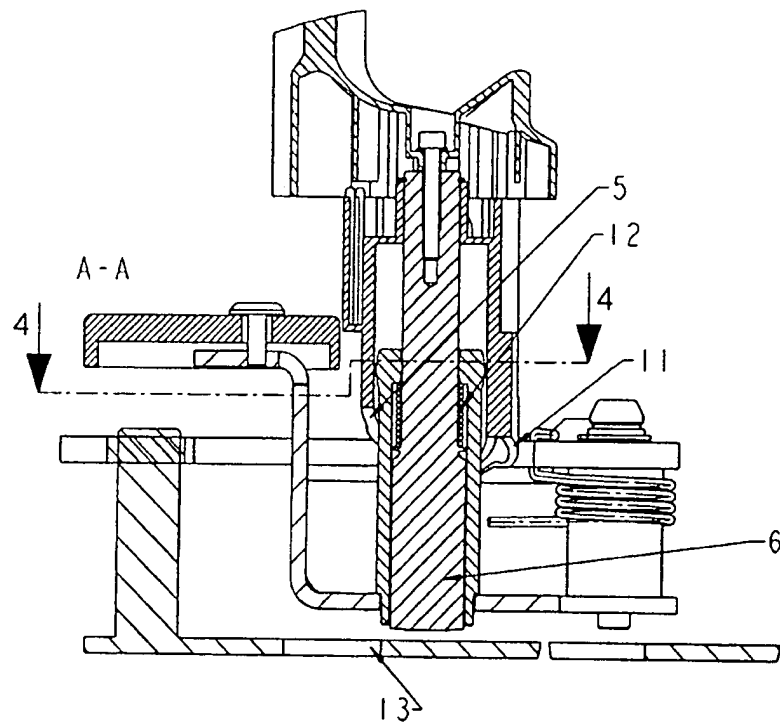
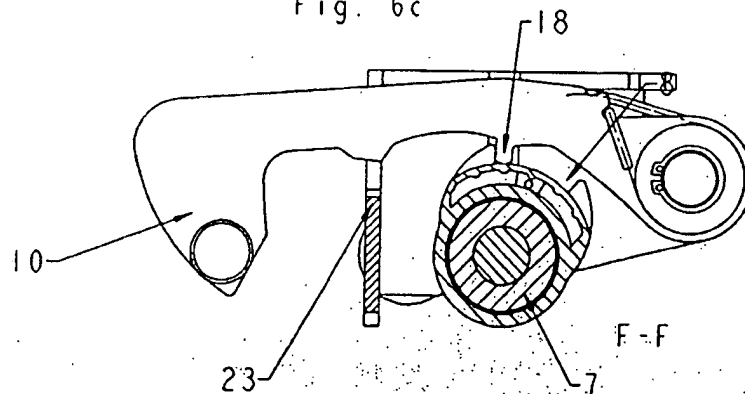


Fig. 6c



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98. 1/3/06

Fig. 7a

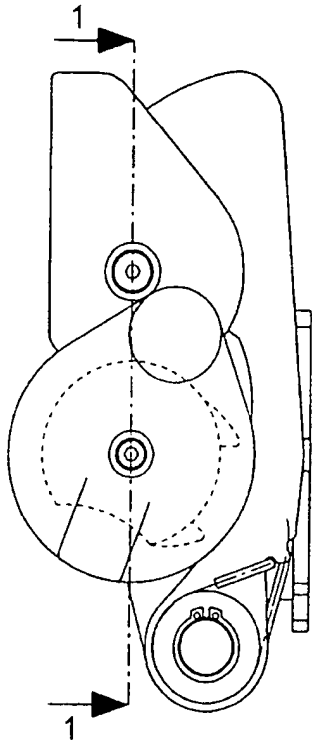


Fig. 7b

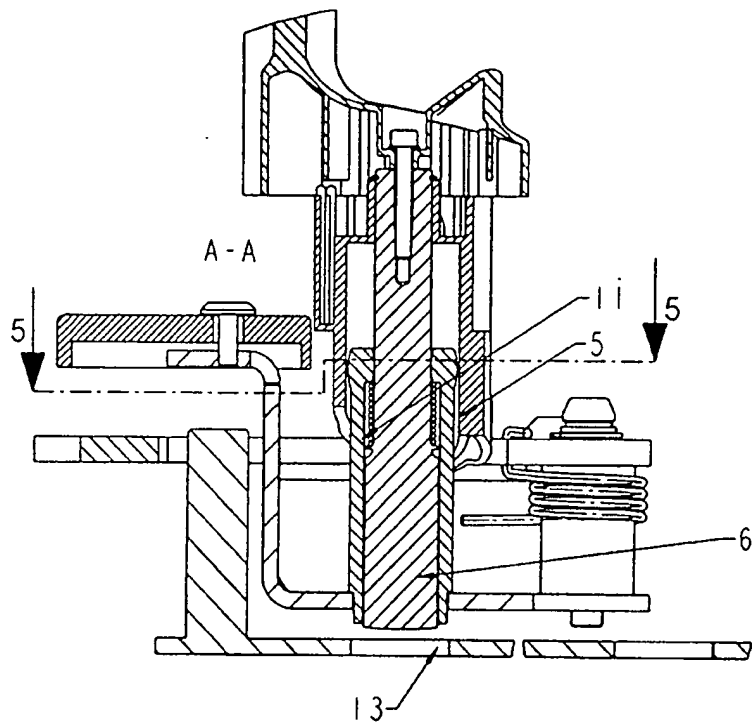
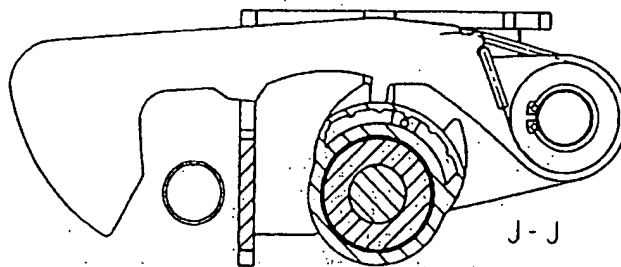


Fig. 7c



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9.2. 11/3/06



Fig. 8a

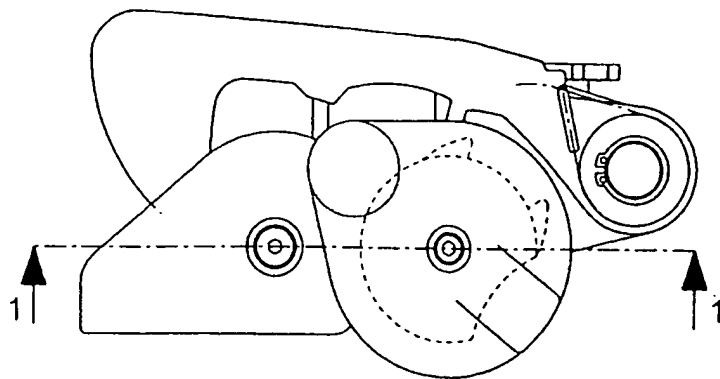


Fig. 8b

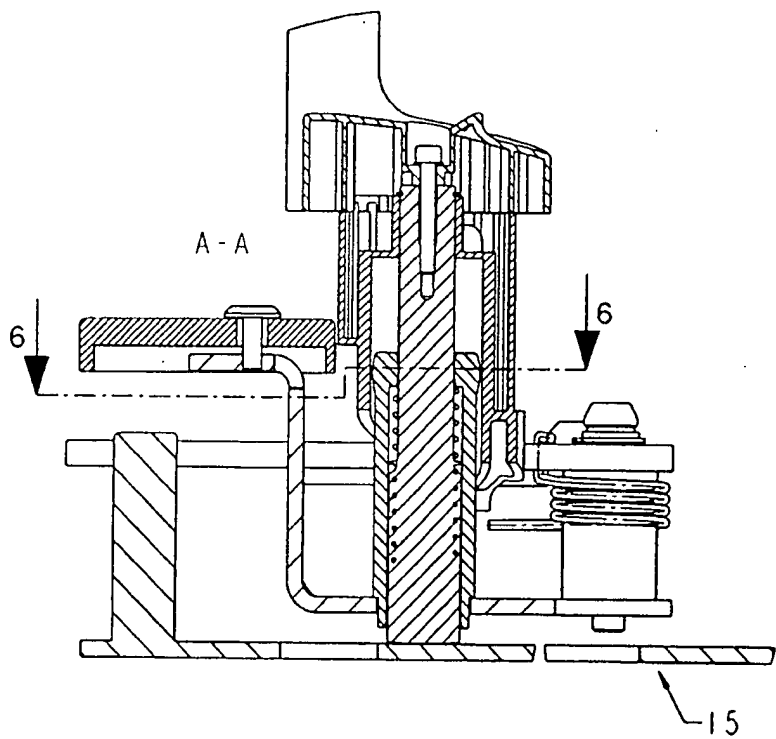
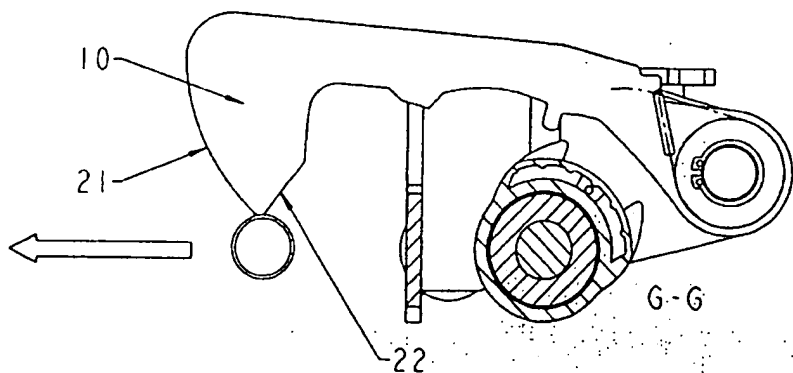


Fig. 8c



not accepted  
EX- 1/3/06

Fig. 9a

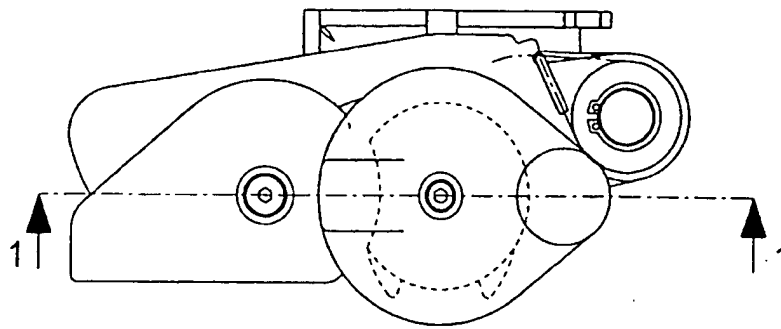


Fig. 9b

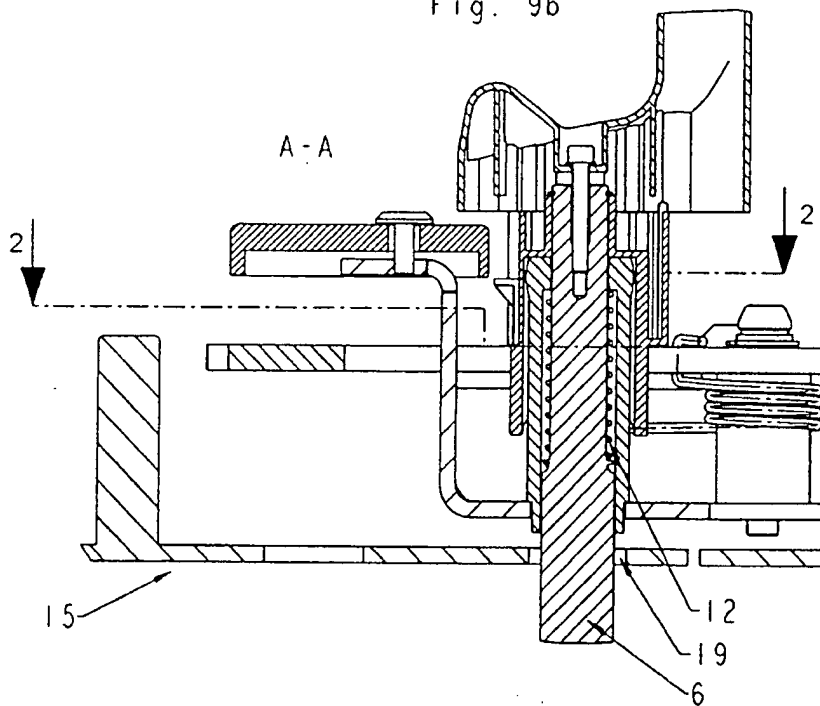
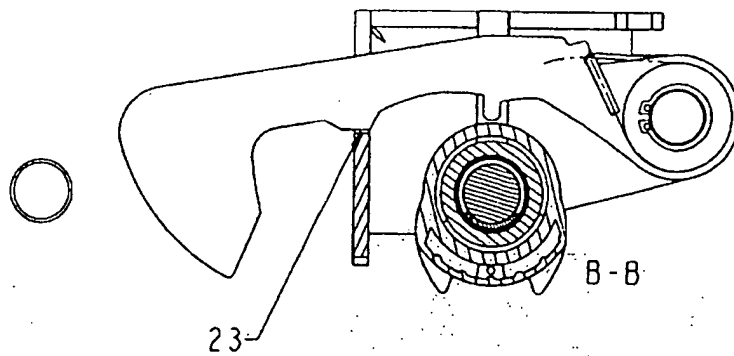


Fig. 9c



not accepted  
EL. 1/3/06

Fig. 10a

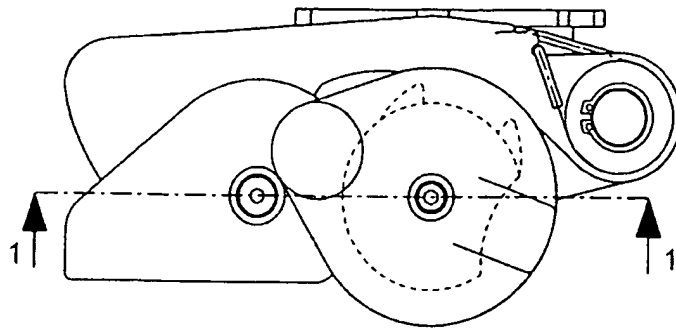


Fig. 10b

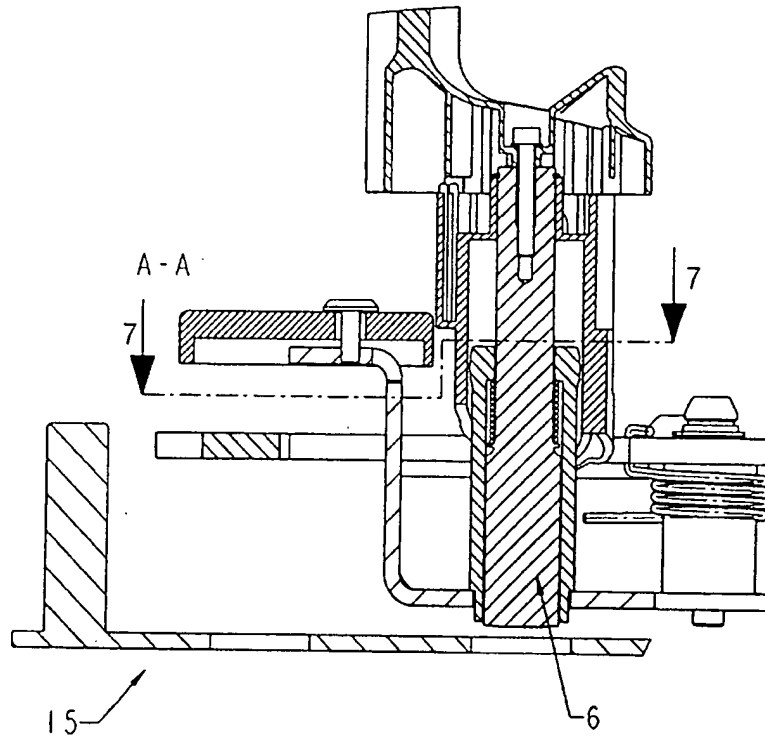
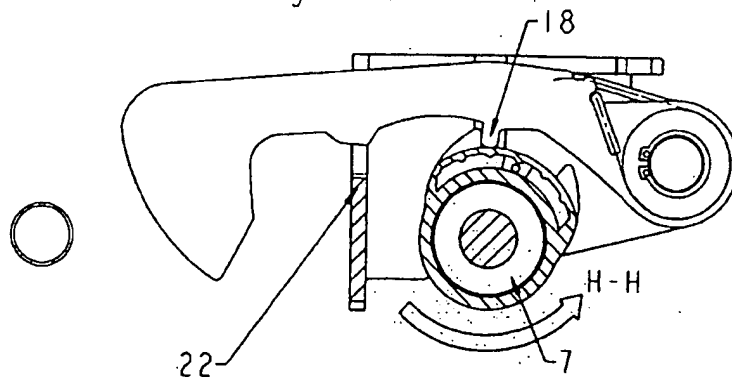


Fig. 10c



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1/3/06

Fig. 11a

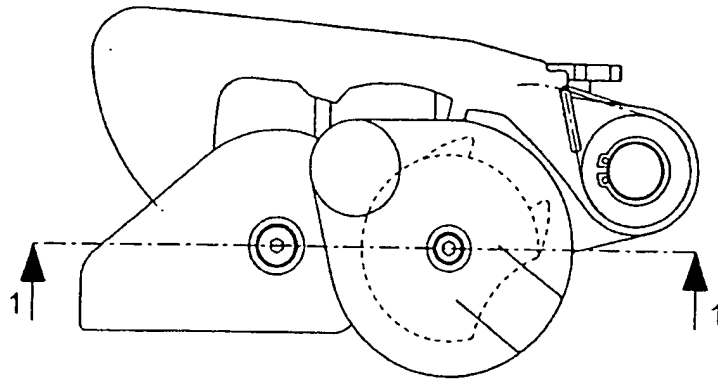


Fig. 11b

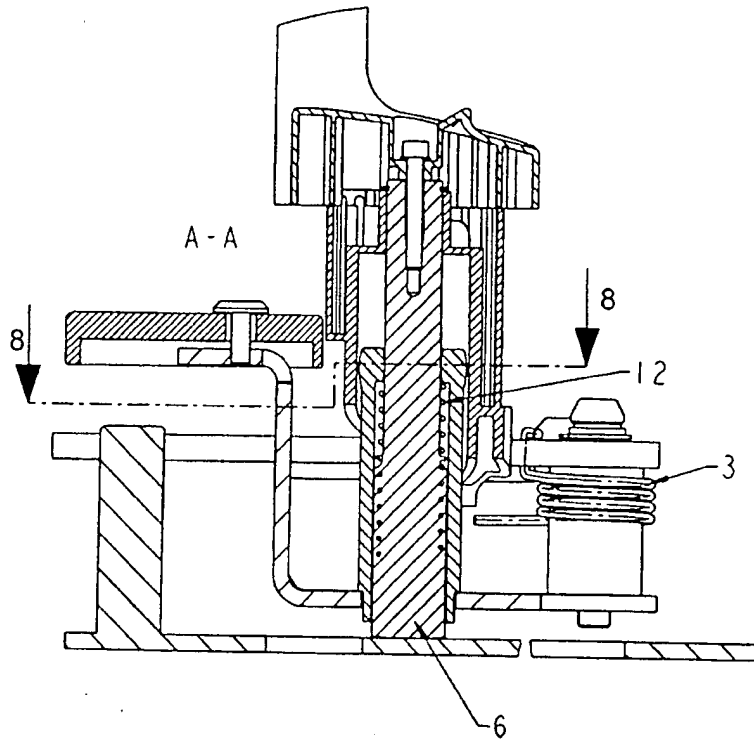
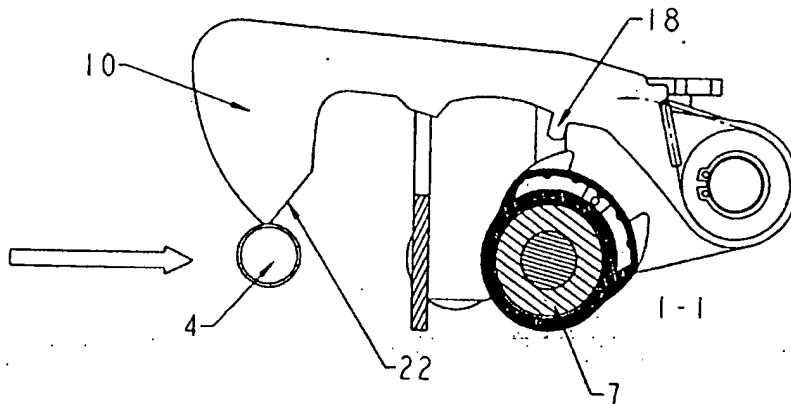


Fig. 11c



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11/3/06 E.L.